

ORIGINAL

**BELLSOUTH**

BellSouth  
Suite 900  
1133-21st Street, N.W.  
Washington, D.C. 20036-3351

kathleen.levitz@bellsouth.com

Kathleen B. Levitz  
Vice President-Federal Regulatory

202 463-4113  
Fax 202 463-4198

RECEIVED

JUL - 3 2001

EX PARTE

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

EX PARTE OR LATE FILED

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
The Portals  
445 12<sup>th</sup> S.W., Room TWB-204  
Washington, D.C. 20554

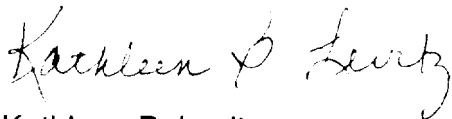
Re: CC Docket No. 98-147  
CC Docket No. 96-98 /

Dear Ms. Salas:

On July 3, 2001, I met with Sam Feder, Legal Advisor to Commissioner Martin. Participating in this meeting by telephone were Keith Milner and Ann Haymons of BellSouth. The purpose of the meeting was to present BellSouth's position on issues relating to its collocation obligations raised by the *Second Further Notice of Proposed Rulemaking* in CC Docket No. 98-147. The attached document formed the basis for that presentation.

In compliance with the Commission's rules, I am filing two copies of this notice in the proceeding identified above and ask that you associate this filing with those proceedings.

Sincerely,



Kathleen B. Levitz

Attachment

cc: Sam Feder (w/o attachment)

# *BellSouth Ex Parte*

*CC Docket No. 98-147*

July 3, 2001

# ***BellSouth Collocation Issues***

## ***CC Docket No. 98-147***

- ***Section 251(c)(6) states “...physical collocation of equipment necessary for interconnection or access to unbundled network elements...”***
  - *First Report and Order in CC Docket 96-98, paragraph 581 states that the Commission does not require incumbent LECs to allow collocation of any equipment without restriction... 251(c)(2) requires ILECs to provide interconnection for the transmission and routing of telephone exchange and exchange access... and 251(c)(3) requires ILECs to provide access to UNEs for the provision of a telecommunications service...*
- ***BellSouth will allow equipment to be collocated that is necessary for providing interconnection to the BellSouth network and access to Unbundled Network Elements for the provision of telecommunication services. If the equipment is capable of:***
  - *providing telecommunication services, it is acceptable*
  - *providing both telecommunication services and enhanced services and the CLEC provides only telecommunications services, it is acceptable*
  - *providing only enhanced services, it is NOT acceptable*
  - *providing both telecommunication services and enhanced services but the CLEC provides only enhanced services, it is NOT acceptable*
  - *providing both telecommunications services and enhanced services and the CLEC provides both, it is NOT acceptable and NOT required*

# ***BellSouth Collocation Issues***

## ***CC Docket No. 98-147***

- ***BellSouth is not obligated to provide collocation for purposes other than interconnection with BellSouth's network and/or access to UNEs***
  - *BellSouth has had requests for only fiber termination panels or fiber splices in the central office cable vault for transport carriers who want to cross-connect to collocated CLECs; not to interconnect with BellSouth's network.*
  - *BellSouth has had requests for microwave collocation arrangements wherein the collocator would place up to 50 dishes on the central office roof as 'line of sight' loops to end user premises. Collocator would take the end users' traffic to a collocation arrangement in a central office for aggregation and then on to the collocator's switch via another dish on same rooftop without interconnection to BellSouth's network.*
- ***Any competitor wishing to collocate equipment other than that necessary for "interconnection" and "access to unbundled network elements" has opportunity to do so in "collocation hotels"***

## ***BellSouth Collocation Issues CC Docket No. 98-147***

- ***D.C. Circuit Court vacated paragraph 42 of the Advanced Services Order which provided that ILECs “must give competitors the option of collocating equipment in any unused space within the incumbent’s premises...”***
  - *Court found that the ILEC, as the property owner, had the right of control over its property, a right that could not be dismissed arbitrarily in connection with the provision of physical collocation.*
  - *BellSouth has the authority to determine exactly where in the central office virtual and physical collocation arrangements should be located.*